

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Civil Action No. 2:22-cv-00125-JRG

JURY TRIAL DEMANDED

**CHARTER COMMUNICATIONS, INC.'S SUR-REPLY IN FURTHER OPPOSITION
TO PLAINTIFF ENTROPIC COMMUNICATIONS, LLC'S MOTION FOR SUMMARY
JUDGMENT OF NO UNCLEAN HANDS DEFENSE**

Charter submits this sur-reply in further opposition to Entropic’s Motion for Summary Judgment of No Unclean Hands Defense (Dkt. 180, “Mot.”). Summary judgment should be denied.

I. INTRODUCTION

Entropic argues, without any authority, that any egregious conduct by [REDACTED] concerning the asserted patents, is irrelevant because, [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. *See Precision Instrument Mfg. Co. v. Auto. Maint. Mach. Co.*, 324 U.S. 806, 814–15 (1945).

Entropic also argues that [REDACTED] does not support unclean hands because it was not “egregious.” In doing so, it simply ignores the fact that [REDACTED]. [REDACTED]. As explained in Charter’s opposition, genuine issues of material fact preclude summary judgment of its unclean hands defense.

II. ARGUMENT

A. Charter Properly Relies On The Acts Of [REDACTED]

Entropic’s argument that [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] Entropic points to nothing in its reply to contradict any of this.

Entropic also fails to address the fact that [REDACTED]

[REDACTED] The record is clear regarding [REDACTED] misconduct which Charter may rely on for its unclean hands defense because [REDACTED]

B. Charter's Argument Regarding Egregious Conduct Is Supported

Entropic's argument that "[REDACTED]"

[REDACTED] misses the point. (Reply at 4.)

Entropic chooses to only focus on [REDACTED]

[REDACTED] (Add'l Facts at ¶¶ 1–9, 26–30.) Similarly, Entropic's argument that [REDACTED]

[REDACTED] Entropic's attempt to ignore this by focusing only on one aspect of [REDACTED] does not change that Charter has identified egregious conduct by [REDACTED] specifically related to the asserted patents.

III. CONCLUSION

Charter respectfully asks the Court to deny Entropic's motion for summary judgment.

Dated: October 11, 2023

Respectfully submitted,

/s/ Daniel Reisner by permission Elizabeth Long

Deron R. Dacus
State Bar No. 00790553
The Dacus Firm, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
Phone: (903) 705-1117
Fax: (903) 581-2543
Email: ddacus@dacusfirm.com

Daniel L. Reisner
David Benyacar
Elizabeth Long
Albert J. Boardman
Melissa Brown
Jacob Bass
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, New York, 10019-9710
Telephone: (212) 836-8000
Email: daniel.reisner@arnoldporter.com
Email: david.benyacar@arnoldporter.com
Email: elizabeth.long@arnoldporter.com
Email: albert.boardman@arnoldporter.com
Email: melissa.brown@arnoldporter.com
Email: jacob.bass@arnoldporter.com

Marc A. Cohn
Amy L. DeWitt
Paul I. Margulies
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Avenue NW
Washington, DC 20001-3743
Email: marc.cohn@arnoldporter.com
Email: amy.dewitt@arnoldporter.com
Email: paul.margulies@arnoldporter.com

***Attorneys for Defendant
Charter Communications, Inc.***

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document and all attachments thereto are being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served October 11, 2023, on all counsel of record, each of whom is deemed to have consented to electronic service. L.R. CV-5(a)(3)(A).

/s/ Elizabeth Long

Elizabeth Long

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]